

---

SENATE BILL 6693

---

State of Washington

59th Legislature

2006 Regular Session

By Senators Kline and Kohl-Welles

Read first time 01/19/2006. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the schedule for review and revision of  
2 comprehensive plans and development regulations under the growth  
3 management act; and reenacting and amending RCW 36.70A.130.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are  
6 each reenacted and amended to read as follows:

7 (1)(a) Each comprehensive land use plan and development regulations  
8 shall be subject to continuing review and evaluation by the county or  
9 city that adopted them. Except as otherwise provided, a county or city  
10 shall take legislative action to review and, if needed, revise its  
11 comprehensive land use plan and development regulations to ensure the  
12 plan and regulations comply with the requirements of this chapter  
13 according to the time periods specified in subsection (4) of this  
14 section.

15 (b) Except as otherwise provided, a county or city not planning  
16 under RCW 36.70A.040 shall take action to review and, if needed, revise  
17 its policies and development regulations regarding critical areas and  
18 natural resource lands adopted according to this chapter to ensure  
19 these policies and regulations comply with the requirements of this

1 chapter according to the time periods specified in subsection (4) of  
2 this section. Legislative action means the adoption of a resolution or  
3 ordinance following notice and a public hearing indicating at a  
4 minimum, a finding that a review and evaluation has occurred and  
5 identifying the revisions made, or that a revision was not needed and  
6 the reasons therefor.

7 (c) The review and evaluation required by this subsection may be  
8 combined with the review required by subsection (3) of this section.  
9 The review and evaluation required by this subsection shall include,  
10 but is not limited to, consideration of critical area ordinances and,  
11 if planning under RCW 36.70A.040, an analysis of the population  
12 allocated to a city or county from the most recent ten-year population  
13 forecast by the office of financial management.

14 (d) Any amendment of or revision to a comprehensive land use plan  
15 shall conform to this chapter. Any amendment of or revision to  
16 development regulations shall be consistent with and implement the  
17 comprehensive plan.

18 (2)(a) Each county and city shall establish and broadly disseminate  
19 to the public a public participation program consistent with RCW  
20 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
21 whereby updates, proposed amendments, or revisions of the comprehensive  
22 plan are considered by the governing body of the county or city no more  
23 frequently than once every year. "Updates" means to review and revise,  
24 if needed, according to subsection (1) of this section, and the time  
25 periods specified in subsection (4) of this section or in accordance  
26 with the provisions of subsection (8) of this section. Amendments may  
27 be considered more frequently than once per year under the following  
28 circumstances:

29 (i) The initial adoption of a subarea plan that does not modify the  
30 comprehensive plan policies and designations applicable to the subarea;

31 (ii) The adoption or amendment of a shoreline master program under  
32 the procedures set forth in chapter 90.58 RCW;

33 (iii) The amendment of the capital facilities element of a  
34 comprehensive plan that occurs concurrently with the adoption or  
35 amendment of a county or city budget; and

36 (iv) Until June 30, 2006, the designation of recreational lands  
37 under RCW 36.70A.1701. A county amending its comprehensive plan

1 pursuant to this subsection (2)(a)(iv) may not do so more frequently  
2 than every eighteen months.

3 (b) Except as otherwise provided in (a) of this subsection, all  
4 proposals shall be considered by the governing body concurrently so the  
5 cumulative effect of the various proposals can be ascertained.  
6 However, after appropriate public participation a county or city may  
7 adopt amendments or revisions to its comprehensive plan that conform  
8 with this chapter whenever an emergency exists or to resolve an appeal  
9 of a comprehensive plan filed with a growth management hearings board  
10 or with the court.

11 (3)(a) Each county that designates urban growth areas under RCW  
12 36.70A.110 shall review, at least every ten years, its designated urban  
13 growth area or areas, and the densities permitted within both the  
14 incorporated and unincorporated portions of each urban growth area. In  
15 conjunction with this review by the county, each city located within an  
16 urban growth area shall review the densities permitted within its  
17 boundaries, and the extent to which the urban growth occurring within  
18 the county has located within each city and the unincorporated portions  
19 of the urban growth areas.

20 (b) The county comprehensive plan designating urban growth areas,  
21 and the densities permitted in the urban growth areas by the  
22 comprehensive plans of the county and each city located within the  
23 urban growth areas, shall be revised to accommodate the urban growth  
24 projected to occur in the county for the succeeding twenty-year period.  
25 The review required by this subsection may be combined with the review  
26 and evaluation required by RCW 36.70A.215.

27 (4) The department shall establish a schedule for counties and  
28 cities to take action to review and, if needed, revise their  
29 comprehensive plans and development regulations to ensure the plan and  
30 regulations comply with the requirements of this chapter. Except as  
31 provided in subsection (8) of this section, the schedule established by  
32 the department shall provide for the reviews and evaluations to be  
33 completed as follows:

34 (a) On or before December 1, 2004, ~~((and every seven years~~  
35 ~~thereafter,))~~ for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
36 Snohomish, Thurston, and Whatcom counties and the cities within those  
37 counties, and, thereafter, every four years for Clark, King, Pierce,

1 Snohomish, Thurston, and Whatcom counties and the cities within those  
2 counties, and every seven years for Clallam, Jefferson, and Kitsap  
3 counties and the cities within those counties;

4 (b) On or before December 1, 2005, and every seven years  
5 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and  
6 Skamania counties and the cities within those counties;

7 (c) On or before December 1, 2006, (~~and every seven years~~  
8 ~~thereafter,~~) for Benton, Chelan, Douglas, Grant, Kittitas, Spokane,  
9 and Yakima counties and the cities within those counties, and,  
10 thereafter, every four years for Benton and Spokane counties and the  
11 cities within those counties, and every seven years for Chelan,  
12 Douglas, Grant, Kittitas, and Yakima counties and the cities within  
13 those counties; and

14 (d) On or before December 1, 2007, (~~and every seven years~~  
15 ~~thereafter,~~) for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
16 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
17 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
18 within those counties, and, thereafter, every seven years for Adams,  
19 Asotin, Franklin, Grays Harbor, Pend Oreille, Stevens, Walla Walla, and  
20 Whitman counties and the cities within those counties, and every ten  
21 years for Columbia, Ferry, Garfield, Klickitat, Lincoln, Okanogan,  
22 Pacific, and Wahkiakum counties and the cities within those counties.

23 (5)(a) Nothing in this section precludes a county or city from  
24 conducting the review and evaluation required by this section before  
25 the time limits established in subsection (4) of this section.  
26 Counties and cities may begin this process early and may be eligible  
27 for grants from the department, subject to available funding, if they  
28 elect to do so.

29 (b) State agencies are encouraged to provide technical assistance  
30 to the counties and cities in the review of critical area ordinances,  
31 comprehensive plans, and development regulations.

32 (6) A county or city subject to the time periods in subsection  
33 (4)(a) of this section that, pursuant to an ordinance adopted by the  
34 county or city establishing a schedule for periodic review of its  
35 comprehensive plan and development regulations, has conducted a review  
36 and evaluation of its comprehensive plan and development regulations  
37 and, on or after January 1, 2001, has taken action in response to that  
38 review and evaluation shall be deemed to have conducted the first

1 review required by subsection (4)(a) of this section. Subsequent  
2 review and evaluation by the county or city of its comprehensive plan  
3 and development regulations shall be conducted in accordance with the  
4 time periods established under subsection (4)(a) of this section.

5 (7) The requirements imposed on counties and cities under this  
6 section shall be considered "requirements of this chapter" under the  
7 terms of RCW 36.70A.040(1). Only those counties and cities in  
8 compliance with the schedules in this section and those counties and  
9 cities demonstrating substantial progress towards compliance with the  
10 schedules in this section for development regulations that protect  
11 critical areas may receive grants, loans, pledges, or financial  
12 guarantees from those accounts established in RCW 43.155.050 and  
13 70.146.030. A county or city that is fewer than twelve months out of  
14 compliance with the schedules in this section for development  
15 regulations that protect critical areas is deemed to be making  
16 substantial progress towards compliance. Only those counties and  
17 cities in compliance with the schedules in this section may receive  
18 preference for grants or loans subject to the provisions of RCW  
19 43.17.250.

20 (8)(a) Counties and cities required to satisfy the requirements of  
21 this section according to the schedule established by subsection (4)(b)  
22 through (d) of this section may comply with the requirements of this  
23 section for development regulations that protect critical areas one  
24 year after the dates established in subsection (4)(b) through (d) of  
25 this section.

26 (b) Counties and cities complying with the requirements of this  
27 section one year after the dates established in subsection (4)(b)  
28 through (d) of this section for development regulations that protect  
29 critical areas shall be deemed in compliance with the requirements of  
30 this section.

31 (c) This subsection (8) applies only to the counties and cities  
32 specified in subsection (4)(b) through (d) of this section, and only to  
33 the requirements of this section for development regulations that  
34 protect critical areas that must be satisfied by December 1, 2005,  
35 December 1, 2006, and December 1, 2007.

36 (9) Notwithstanding subsection (8) of this section and the  
37 substantial progress provisions of subsections (7) and (10) of this  
38 section, only those counties and cities complying with the schedule in

1 subsection (4) of this section may receive preferences for grants,  
2 loans, pledges, or financial guarantees from those accounts established  
3 in RCW 43.155.050 and 70.146.030.

4 (10) Until December 1, 2005, and notwithstanding subsection (7) of  
5 this section, a county or city subject to the time periods in  
6 subsection (4)(a) of this section demonstrating substantial progress  
7 towards compliance with the schedules in this section for its  
8 comprehensive land use plan and development regulations may receive  
9 grants, loans, pledges, or financial guarantees from those accounts  
10 established in RCW 43.155.050 and 70.146.030. A county or city that is  
11 fewer than twelve months out of compliance with the schedules in this  
12 section for its comprehensive land use plan and development regulations  
13 is deemed to be making substantial progress towards compliance.

14 (11) By December 1st of the year in which the results of the 2010  
15 United States census are published, the department shall report to the  
16 legislature any recommendations for amendments to subsection (4) of  
17 this section that may be necessary in order to require that the eight  
18 counties having the largest numeric change in population since the  
19 preceding United States census complete the requirements of this  
20 section at intervals of four years, the eight counties having the  
21 smallest numeric change in population since the preceding United States  
22 census complete the requirements of this section at intervals of ten  
23 years, and the remaining counties complete the requirements of this  
24 section at intervals of seven years.

--- END ---